

**United States District Court  
for the  
Eastern District of Washington**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SEAN F. MCAVOY, CLERK

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Thomas Dwain Andy Case Number: 0980 2:07CR02039-SAB-1

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Address of Offender: **Wapato, Washington 98951**

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge  
Name of Supervising Judicial Officer: The Honorable Stanley A. Bastian, U.S. District Judge

Date of Original Sentence: October 4, 2007

Original Offense: Crime on Indian Reservation - Assault, 18 U.S.C. § 1153 and 113(a)(3)

Original Sentence: Prison - 120 months; TSR - 36 months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Jane M. Kirk Date Supervision Commenced: December 15, 2015

Defense Attorney: Diane E. Hehir Date Supervision Expires: December 14, 2018

## **PETITIONING THE COURT**

## To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1      **Special Condition # 19:** You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

**Supporting Evidence:** On February 16, 2017, Mr. Andy provided a urinalysis sample to a counselor at Merit Resource Services (Merit) which was confirmed positive for alcohol.

On February 16, 2017, a counselor at Merit collected a urinalysis sample from Mr. Andy and sent it to Cordant Health Solutions (Cordant) for alcohol testing. On February 27, 2017, the sample returned presumptive positive for alcohol and request for confirmation was submitted to the lab. On March 2, 2017, the sample was confirmed positive by Cordant.

Mr. Andy's ethyl glucuronide level was 5101ng/mL with a cutoff value of 250 ng/mL and his ethyl sulfate level was 1281 ng/mL with a cutoff value of 100 ng/mL.

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**Special Condition # 17:** You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.

**Supporting Evidence:** On March 2 and 7, 2017, Mr. Andy failed to attend treatment at Merit Resource Services (Merit).

On March 8, 2017, this officer spoke with a staff member at Merit who advised Mr. Andy was last seen on February 28, 2017, and did not attend treatment on March 2, as well as March 7, 2017. The staff member further advised a letter had been sent to his home address instructing him to report.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 10, 2017

s/Jonathan G. Barcom

Jonathan G Barcom  
U.S. Probation Officer

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**THE COURT ORDERS**

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other



Signature of Judicial Officer

3/10/2017

Date